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ATTORNEY DOCKET No.: 2003946-0080 (FP04-0096-00US-XX)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yamamoto, et. al. Examiner: NYA
Serial No: 10/797,903 Group Art Unit: 3612
Filing Date: March 10, 2004
Priority Appln. No.: JP 2003-062823; filed: March 10, 2003
JP 2003-302803; filed: August 27, 2003
Title: c-KIT KINASE INHIBITOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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November <u>19</u> , 2004	<u>Kathy Hart Gagnon</u>
Date	Signature
	Kathy Hart Gagnon
	Typed or Printed Name of person signing certificate

TRANSMITTAL

In regard to the above-referenced patent application, enclosed please find the following:

1. Statement Filed Pursuant To The Duty Of Disclosure Under 37 CFR §§1.56, 1.97 and 1.98 (6 pp.);
2. Form PTO-1449 (4 pg.);
3. Cited Art (47 references);
4. Statement of Limited Recognition Under 37 CFR § 10.9(b) (1 pg.); and
5. Return-Receipt Postcard.

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,
CHOATE, HALL & STEWART

Dated: November 19, 2004

Charles E. Lyon, D.Phil.
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Limited Recognition Under 37 C.F.R. §10.9(b)

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INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

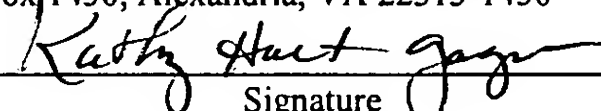
The present Information Disclosure Statement is:

- ☒ [X] An *original* Information Disclosure Statement; or
☐ [] A *supplemental* Information Disclosure Statement.

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November 19, 2004
Date


Signature

Kathy Hart Gagnon

Typed or Printed Name of person signing certificate

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:

☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;

☒ Before the mailing of a first Office action on the merits; or

☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:

☐ Certifies that *either*:

☐ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; or
- ☐ Includes herewith the fee set forth in § 1.17(p).
- ☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:
- ☐ Certifies that *either*:
- ☐ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the

information disclosure statement was known to any individual
designated in § 1.56(c) more than three months prior to the filing of
the information disclosure statement; and

☐ Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

☒ A copy of each cited reference not indicated with a † is included;

☒ Copies of references indicated with a † on the attached form PTO-1449 are not included because the requirement to provide copies was waived pursuant to USPTO OG Notice of 8/5/03.

☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

☐ Does not contain non-English language citations;

☐ Includes one or more translations of a non-English citation; or

☒ Does contain non-English language citations, of which the following is a concise explanation:

English Abstract for each is provided.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b).

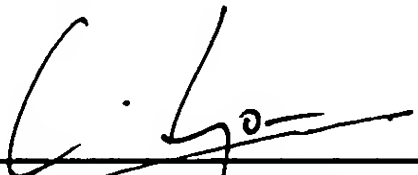
The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 USC § 102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,
CHOATE, HALL & STEWART



Charles E. Lyon, D.Phil.
Agent for Applicant
Limited Recognition Under 37 CFR § 10.9(b)

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Dated: November 19, 2004




**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Charles Lyon is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of the Choate, Hall & Stewart law firm to prepare and prosecute patent applications wherein the patent applicant is the client of the Choate, Hall & Stewart law firm, and the attorney or agent of record in the applications is a registered practitioner who is a member of the Choate, Hall & Stewart law firm. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Charles Lyon ceases to lawfully reside in the United States, (ii) Charles Lyon's employment with the Choate, Hall & Stewart law firm ceases or is terminated, or (iii) Charles Lyon ceases to remain or reside in the United States on an H1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the United States Patent and Trademark Office.

Expires: December 1, 2004


Harry I. Meatz
Director of Enrollment and Discipline

Form PTO-1449 (REV. 8-83) INFORMATION DISCLOSURE STATEMENT <i>(Use several sheets if necessary)</i>		U.S. Department of Commerce Patent and Trademark Office Atty. Docket: 2003946-0080 Applicant: Yamamoto, <i>et al.</i> Filing Date: March 10, 2004		In re Application No. 10/797,903
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U.S. PATENT DOCUMENTS					
Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	† 4,764,454	Ichijima et al.	August 16, 1988	430	361

U.S. PATENT APPLICATIONS					
Examiner's Initials:	Serial Number:	Applicant:	Filing Date:	Group:	Art Unit:

FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Document No.	Country	Publication Date	Translation	
				Yes	No
	EP 1 153 920	Europe	14 November 2001		
	EP 0 870 842	Europe	14 October 1998		
	JP 11-158149	Japan	15 June 1999	Abstract	
	JP 2000-328080	Japan	28 November 2000	Abstract	
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	JP 09-023885	Japan	28 January 1997	Abstract	
	JP 06-153952	Japan	03 June 1994	Abstract	
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	WO 01/47890	PCT	05 July 2001	Abstract	
	WO 01/45689	PCT	28 June 2001		
	WO 00/43366	PCT	27 July 2000	Abstract	
	WO 99/00357	PCT	07 January 1999		
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OTHER DOCUMENTS	
Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)
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INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)			Applicant: Yamamoto, <i>et al.</i>	
			Filing Date: March 10, 2004	Group: 3612
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INFORMATION DISCLOSURE STATEMENT <i>(Use several sheets if necessary)</i>			
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	International Search Report issued for related PCT application PCT/JP01/09221.		
	International Search Report issued for related PCT application PCT/JP2004/003087		
EXAMINER		DATE CONSIDERED	
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			